

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

BARBARA TRUEMAN

Plaintiff

v.

CHRISTOPHER SCHMELZER, et al.

### *Defendants*

Case No.2:13-cv-0159

## Judge Sargus

Magistrate Judge Kemp

**INJUNCTION BY CONSENT AND ORDER**

Plaintiff Barbara Trueman and Defendants Christopher Schmelzer and Schmelzer Entities LLC (jointly, “Schmelzer”) stipulate to this Court’s continuing jurisdiction to enforce the parties’ mutual agreement with respect to the Schmelzer Defendants cessation of use of the name “Trueman” and the “Trueman Logo” shown below:



This cause having come by and with the consent of the parties, it is hereby ORDERED, ADJUDGED and DECREED that:

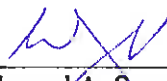
- 1). Pursuant to the transition schedule set forth below, Schmelzer will refrain from using the term "Trueman" and the Trueman Logo in its current form and may not thereafter adopt or use new names, identifiers, marks, designs, or logos contrary to the terms of this Agreement. Schmelzer may use the term "Trueman" followed by either "Boulevard" or "Blvd." so long as the terms "Trueman" and "Boulevard" or "Blvd." are relatively the same font size as "Trueman," have the

same emphasis as the term "Trueman,"; and are not separated or otherwise divided from the term "Trueman" such that the terms no longer form a single phrase.

2. Immediately upon execution of this Agreement, Schmelzer will refrain from making any new uses of any names, identifiers, marks, designs, or logos that include the term "Trueman" in a manner contrary to that which is described in Paragraph A.1.
3. Schmelzer will provide an inventory of stocks of the materials listed in (a) through (f) below. Schmelzer may, for up to one (1) year from the date of this Order, use up existing stocks of certain physical materials already on-hand that utilize the term "Trueman" or the Trueman Logo in its current form, if any, as detailed below. Within one year of the date of this Order, Schmelzer will certify that the materials listed in (a) through (f) below have been disposed of or destroyed:
  - a. Printed materials using the term "Trueman" or the Trueman Logo;
  - b. Mailings;
  - c. Post cards;
  - d. Beer mugs;
  - e. Labels; and
  - f. Clothing, apparel, and staff uniforms.
4. Within thirty (30) days of the date of this Order, Schmelzer will refrain from failing to:
  - a. Transfer ownership and control to Barbara Trueman the "truemanpub.com" domain name, as well as any other domain names under their control and that include the term "Trueman" in a manner contrary to Paragraph A.1;
  - b. Rename or delete all social networking identifiers or accounts under their control to comply with Paragraph A.1;
  - c. Modify any recorded telephone messages to comply with Paragraph A.1;
  - d. File a *Name Reservation Cancellation Form* with the Ohio Secretary of State to expressly cancel the current Ohio trade name "Trueman Pub & Grille," Ohio Secretary of State Document No. 201236201561; and
  - e. Take all necessary measures to request the change or deletion of any business name listings that are contrary to Paragraph A.1.

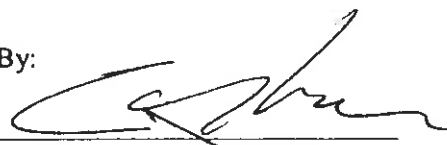
5. Within sixty (60) days of the date of this Order, Schmelzer will refrain from failing to:
  - a. destroy or modify all exterior signage for the Pub to comply with Paragraph A.1; and
  - b. delete or modify all electronic media under their control to comply with Paragraph A.1.
6. Except as expressly permitted by this Order, Schmelzer will refrain from making any further use of the term "Trueman" on or in connection with their business. At the conclusion of the time periods above, Schmelzer will refrain from making any use of the current forms of both the name "Trueman" and the "Trueman Logo." Schmelzer will refrain from adopting or using any name or symbol, regardless of its content or form, which is likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or association between the "Trueman Pub and Grille" business and Barbara Trueman or her family.

Dated: 5-1-2013

  
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Edmund A. Sargus, Jr.  
United States District Court Judge


APPROVED AS TO FORM:

By:

  
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*Attorney for Defendants Christopher Schmelzer and Schmelzer Entities LLC*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 19th day of April, 2013, a copy of the foregoing JOINT MOTION FOR ENTRY OF JUDGMENT AND ISSUANCE OF CONSENT INJUNCTION was filed electronically through the Court's CM/ECF system, which will provide electronic notice to counsel of record. Parties and counsel may access copies through the CM/ECF system.

/Gregory J. Krabacher/  
Gregory J. Krabacher (0079259)